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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 MPH Technologies Oy,
19 Plaintiff,
20 v.
21 Apple Inc.,
22 Defendant.
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27
28

Case No. 3:18-cv-05935-TLT

**DEFENDANT APPLE INC.'S
OBJECTIONS AND RESPONSES
TO PLAINTIFF MPH
TECHNOLOGIES OY'S SECOND
SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
AND THINGS (NOS. 99-128)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Northern District of California Local Patent Rules, and any applicable local procedures, laws, or Court orders, Defendant Apple Inc. responds to Plaintiff MPH Technologies Oy's ("MPH") Second Set of Requests for Production (Nos. 99-128) ("Requests").

PRELIMINARY STATEMENT

Apple's objections and responses to these Requests for Production are based on the facts and information presently known and available to Apple. Statements below that Apple will produce responsive documents that it locates pursuant to a reasonable search do not imply that such documents exist. Discovery has recently begun and consequently, Apple may not have identified all information responsive to the Requests at this time. As discovery in this action proceeds, Apple may discover additional or different information or documents. Apple reserves the right to later supplement or amend its answers and responses to these Requests throughout its investigation pursuant to Federal Rule of Civil Procedure 26(e). Apple responds to the Requests as it interprets and understands them. Apple reserves its right to supplement its responses if MPH subsequently asserts an interpretation of any Request that differs from Apple's current understanding.

Apple does not waive its right to object to the admissibility into evidence of any information provided in response to MPH's Requests. Apple further does not waive the right to raise all questions of authenticity, relevancy, materiality, and privilege for any purpose with regard to the information provided in response to MPH's Requests, which may arise in any subsequent proceeding and/or the trial of this or any other action. Moreover, the assertion by Apple of various general and specific objections is not a waiver of other objections that might be applicable or become so at some future time. Apple's responses are based on a search of electronically stored information and physical documents as they are maintained in the normal course of business. Apple will not search for or produce email outside of the procedures set forth in the Parties' agreed-upon ESI order, which provides that "[g]eneral ESI production requests under Federal Rules of Civil Procedure 34 and 45 shall not include email or other forms of electronic correspondence." Apple will produce documents on a rolling basis.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

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2 1. Apple objects to the definition of “Defendant,” “Apple,” “You,” and “Your” as
3 overbroad, unduly burdensome, and seeking information that is irrelevant to, and not proportional
4 to the needs of, this case, to the extent they purport to refer to information about Apple personnel
5 who have no connection to the technology accused in MPH’s complaint or infringement
6 contentions, exceeding the scope and proportionality limitations of Federal Rule of Civil
7 Procedure 26(b)(1). In responding to the Requests, Apple interprets “Defendant,” “Apple,”
8 “You,” and “Your” to mean Apple Inc.

9 2. Apple objects to the definitions of “Document(s)” and “Thing(s)” to the extent
10 they are broader than the definitions provided by Federal Rule of Civil Procedure 34(a). Apple
11 further objects to the definition of “Document” to the extent it includes email or other forms of
12 electronic correspondence. Apple will not search for or produce email outside of the procedures
13 set forth in the Parties’ agreed-upon ESI order, which provides that “[g]eneral ESI production
14 requests under Federal Rules of Civil Procedure 34 and 45 shall not include email or other forms
15 of electronic correspondence.”

16 3. Apple objects to the definition of “Electronic data compilation” to the extent it
17 imposes on Apple a greater obligation than that which is required under the Federal Rules of Civil
18 Procedure and procedures set forth in the Parties’ agreed-upon ESI order.

19 4. Apple objects to the definition of “Communication” to the extent it imposes on
20 Apple a greater obligation than that which is required under the Federal Rules of Civil Procedure.
21 Apple further objects to the definition of “Communication” to the extent it includes email or other
22 forms of electronic correspondence. Apple will not search for or produce email outside of the
23 procedures set forth in the Parties’ agreed-upon ESI order.

24 5. Apple objects to the definition of “identify” and “locate” as overbroad and unduly
25 burdensome because it requires Apple to identify “each person who presently has custody of the
26 document or thing and of any copy thereof.”

27 6. Apple objects to the definition of “acts of a person” as overbroad and unduly
28 burdensome because it includes “the acts of directors, officers, owners, members, employees,

agents or attorneys acting on the person's behalf."

7. Apple objects to the definition of "Apple Products and Services" as seeking irrelevant information, overbroad, vague, ambiguous, and not proportional to the needs of the case. In responding to these Requests, Apple interprets "Apple Products and Services" to mean "encrypted messaging for use in iMessage, FaceTime, Handoff, Universal Clipboard, iPhone Cellular Call Relay, and iPhone Text Message Forwarding, and mobile VPN in the U.S. market versions of the accused Apple Devices."

8. Apple objects to the definition of "Apple Devices" as seeking irrelevant information, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks information about products that are not accused of infringement and/or do not include encrypted messaging or mobile VPN technologies. In responding to these Requests, Apple interprets "Apple Devices" to mean U.S. market versions of the accused Apple Devices that include encrypted messaging for use in iMessage, FaceTime, Handoff, Universal Clipboard, iPhone Cellular Call Relay, and iPhone Text Message Forwarding, and mobile VPN.

9. Apple objects to Instruction No. 2 to the extent it imposes requirements on Apple beyond those already agreed to by the Parties as stated in Paragraph 8(e) of the Joint Case Management Statement (ECF No. 45).

10. Apple objects to Instruction Nos. 4 and 5 the extent they request Apple to search for and produce electronically stored information, including email, before the parties have negotiated an appropriate ESI order in accordance with the Scheduling Order. Apple will search for and produce such electronically stored information in accordance with the parties' ESI order once agreed to or as otherwise ordered by the Court.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 99:

Documents and things sufficient to identify the earliest date that Apple released or introduced each version or iteration of each Apple Product and Service on any Apple Device sold or offered for sale in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 99:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request as vague and ambiguous, seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, with respect to “released or introduced each version or iteration.” Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business. Apple further objects to this Request to the extent it seeks information that is publicly available, equally available, or already available to MPH.

Subject to its objections, Apple responds as follows: Apple will produce responsive, non-privileged documents, if any, in its possession, custody, or control that it locates pursuant to a reasonable and diligent search.

REQUEST FOR PRODUCTION NO. 100:

Documents and things sufficient to identify the differences in the functionalities between the versions or iterations of Apple Products and Services released or introduced by Apple between January 2013 and September 2014 for any Apple Device sold or offered for sale in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 100:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request as vague and ambiguous with respect to “differences,” “functionalities,” “versions or iterations,” and “released or introduced by Apple.” Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information without limitation to the accused functionalities in this case. Apple further objects to this Request as premature under Federal Rules of Civil Procedure Rule 26(a)(2) and 26(b)(4) to the extent it seeks disclosure of information that is within the scope of expert testimony or opinion, which Apple will provide in accordance with the Scheduling Order. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business. Apple further objects to this Request to the extent it seeks information that is publicly available, equally available, or already available to MPH. To the extent this Request requests anything other than what Apple has agreed to produce, Apple objects that this Request seeks irrelevant information, and is overly broad and unduly burdensome in that it is not relevant nor proportional to the needs of this case.

Subject to its objections, Apple responds as follows: Apple has produced source code and technical documents sufficient to identify differences in the functionalities between versions of Apple’s accused instrumentalities.

REQUEST FOR PRODUCTION NO. 101:

Documents and things sufficient to identify Apple’s internal designations, including project names, codenames, nicknames, and tags, for iOS 9, iOS 10, iOS 11, iOS 12, iOS 13, iOS 14, iOS 15, iOS 16, iOS 17, iPadOS 13, iPadOS 14, iPadOS 15, iPadOS 16, iPadOS 17, OS X Yosemite, OS X El Capitan, macOS Sierra, macOS High Sierra, macOS Mojave, macOS Catalina, macOS Big Sur, macOS Monterey, macOS Ventura, macOS Sonoma, Watch OS 2.0, Watch OS 3.0, Watch OS 4.0, Watch OS 5.0, Watch OS 6.0, Watch OS 7.0, Watch OS 8.0, Watch OS 9.0, and Watch OS 10.0.

RESPONSE TO REQUEST FOR PRODUCTION NO. 101:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request as vague and ambiguous with respect to “internal designations,” “project names, codenames, nicknames, and tags.” Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information about all “internal designations, including project names, codenames, nicknames, and tags,” it requests information without limitation to the accused encrypted messaging and mobile VPN functionalities, and the scope of the Request is not limited to the United States. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business. To the extent this Request requests anything other than what Apple has agreed to produce, Apple objects that this Request seeks irrelevant information, and is overly broad and unduly burdensome in that it is not relevant nor proportional to the needs of this case.

Subject to its objections, Apple is willing to meet and confer with MPH regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 102:

Documents and things sufficient to identify Apple’s internal designations, including project names, codenames, nicknames, and tags, for each version or iteration of each Apple Product and Service on any Apple device sold or offered for sale in the United States from September 2014 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 102:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the

1 protection of the attorney-client privilege, the common interest or joint defense privilege, the
 2 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
 3 produce privileged documents responsive to this Request.

4 Apple further objects to this Request as vague and ambiguous with respect to “internal
 5 designations,” “project names, codenames, nicknames, and tags.” Apple further objects to this
 6 Request as seeking irrelevant information, overly broad, unduly burdensome, and not
 7 proportional to the needs of the case, including, without limitation, in that it requests information
 8 about all “internal designations, including project names, codenames, nicknames, and tags” for
 9 “each Apple Product and Service on any Apple device” and without limitation to the accused
 10 encrypted messaging and mobile VPN functionalities. Apple further objects to this Request on
 11 the ground and to the extent that it seeks documents in a manner different from how Apple
 12 maintains them in its ordinary course of business.

13 Subject to its objections, Apple is willing to meet and confer with MPH regarding the
 14 scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 103:**

16 Documents and things describing the functionalities of the Striling codebase.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 103:**

18 Apple incorporates its Objections to Definitions and Instructions as set forth above.
 19 Apple further objects to this Request to the extent that it calls for information that falls within the
 20 protection of the attorney-client privilege, the common interest or joint defense privilege, the
 21 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
 22 produce privileged documents responsive to this Request.

23 Apple further objects to this Request as vague and ambiguous with respect to
 24 “functionalities” and “Stirling codebase.” Apple further objects to this Request as seeking
 25 irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the
 26 case, including, without limitation, in that it requests information without limitation to the
 27 accused encrypted messaging and mobile VPN functionalities and that the scope of the Request is
 28 not limited by time or to the United States. Apple further objects to this Request as premature

under Federal Rules of Civil Procedure Rule 26(a)(2) and 26(b)(4) to the extent it seeks disclosure of information that is within the scope of expert testimony or opinion, which Apple will provide in accordance with the Scheduling Order. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business. Apple further objects to this Request to the extent it seeks information that is publicly available, equally available, or already available to MPH. To the extent this Request requests anything other than what Apple has agreed to produce, Apple objects that this Request seeks irrelevant information, and is overly broad and unduly burdensome in that it is not relevant nor proportional to the needs of this case.

Subject to these objections, Apple responds as follows: Apple has produced documents and source code located after a reasonable and diligent search that are responsive to this request.

REQUEST FOR PRODUCTION NO. 104:

Documents and things sufficient to show how the Stirling codebase supports or enables the Apple Products and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 104:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request. Apple further objects to this Request as vague and ambiguous with respect to “supports,” “enables,” and “Stirling codebase.” Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information without limitation to the accused encrypted messaging and mobile VPN functionalities and that the scope of the Request is not limited by time or to the United States. Apple further objects to this Request as premature under Federal Rules of Civil Procedure Rule 26(a)(2) and 26(b)(4) to the extent it seeks disclosure of information that is within the scope of expert testimony or opinion, which Apple will provide in accordance with the Scheduling Order.

1 Apple further objects to this Request on the ground and to the extent that it seeks documents in a
 2 manner different from how Apple maintains them in its ordinary course of business. Apple
 3 further objects to this Request to the extent it seeks information that is publicly available, equally
 4 available, or already available to MPH. To the extent this Request requests anything other than
 5 what Apple has agreed to produce, Apple objects that this Request seeks irrelevant information,
 6 and is overly broad and unduly burdensome in that it is not relevant nor proportional to the needs
 7 of this case.

8 Subject to these objections, Apple responds as follows: Apple has produced documents
 9 and source code located after a reasonable and diligent search that are responsive to this request.

10 **REQUEST FOR PRODUCTION NO. 105:**

11 Documents and things sufficient to identify third-party users of Always On VPN.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 105:**

13 Apple incorporates its Objections to Definitions and Instructions as set forth above.
 14 Apple further objects to this Request to the extent that it calls for information that falls within the
 15 protection of the attorney-client privilege, the common interest or joint defense privilege, the
 16 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
 17 produce privileged documents responsive to this Request.

18 Apple further objects to this Request to the extent it seeks third party confidential
 19 information or seeks information protected from disclosure by third parties' rights of privacy.
 20 Apple further objects to this Request as vague and ambiguous with respect to "third-party users."
 21 Apple further objects to this Request as seeking irrelevant information, overly broad, unduly
 22 burdensome, and not proportional to the needs of the case, including, without limitation, in that it
 23 requests information without limitation to the accused encrypted messaging and mobile VPN
 24 functionalities and in that the scope of the Request is not limited by time or to the United States.
 25 Apple further objects to this Request on the ground and to the extent that it seeks documents in a
 26 manner different from how Apple maintains them in its ordinary course of business.

27 Subject to its objections, Apple is willing to meet and confer with MPH regarding the
 28 scope of this Request.

REQUEST FOR PRODUCTION NO. 106:

Documents and things identifying the names of any businesses, enterprises, schools, organizations, or other entities who have implemented Always On VPN or for whom Always On VPN has been implemented.

RESPONSE TO REQUEST FOR PRODUCTION NO. 106:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy. Apple further objects to this Request as vague and ambiguous with respect to "implemented," "identifying," "businesses," "enterprises," "schools," "organizations," and "other entities." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information about "*any* businesses, enterprises, schools, organizations, or other entities who have implemented Always On VPN or for whom Always On VPN has been implemented" without limitation to the accused encrypted messaging and mobile VPN functionalities and in that the scope of the Request is not limited by time or to the United States. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business.

Subject to its objections, Apple is willing to meet and confer with MPH regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 107:

For any business, enterprise, school, organization, or other entity who has implemented Always On VPN or for whom Always On VPN has been implemented, documents and things

1 identifying the number of devices configured to use Always on VPN or on which Always On
2 VPN was installed.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 107:**

4 Apple incorporates its Objections to Definitions and Instructions as set forth above.
5 Apple further objects to this Request to the extent that it calls for information that falls within the
6 protection of the attorney-client privilege, the common interest or joint defense privilege, the
7 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
8 produce privileged documents responsive to this Request.

9 Apple further objects to this Request to the extent it seeks third party confidential
10 information or seeks information protected from disclosure by third parties' rights of privacy.
11 Apple further objects to this Request as vague and ambiguous with respect to "implemented,"
12 "configured," "use," "devices," "installed," "business," "enterprise," "school," "organization,"
13 and "other entities." Apple further objects to this Request as seeking irrelevant information,
14 overly broad, unduly burdensome, and not proportional to the needs of the case, including,
15 without limitation, in that it requests information about "*any* business, enterprise, school,
16 organization, or other entity who has implemented Always On VPN or for whom Always On
17 VPN has been implemented" without limitation to the accused encrypted messaging and mobile
18 VPN functionalities and in that the scope of the Request is not limited by time or to the United
19 States. Apple further objects to this Request on the ground and to the extent that it seeks
20 documents in a manner different from how Apple maintains them in its ordinary course of
21 business.

22 Subject to its objections, Apple is willing to meet and confer with MPH regarding the
23 scope of this Request.

24 **REQUEST FOR PRODUCTION NO. 108:**

25 All support logs, error logs, troubleshooting inquiries, or diagnostics relating to Always
26 On VPN.

RESPONSE TO REQUEST FOR PRODUCTION NO. 108:

Apple incorporates its Objections to Definitions and Instructions as set forth above.

Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request. Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy. Apple further objects to this Request as vague and ambiguous with respect to "relating to," "support logs," "error logs," "troubleshooting inquiries," and "diagnostics." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information about "*All* support logs, error logs, troubleshooting inquiries, or diagnostics relating to Always On VPN" without limitation to the accused encrypted messaging and mobile VPN functionalities and in that the scope of the Request is not limited by time or to the United States. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business.

Subject to its objections, Apple is willing to meet and confer with MPH regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 109:

Documents and things sufficient to identify third parties from whom Apple has collected diagnostics, troubleshooting inquiries, and/or error logs relating to Always On VPN.

RESPONSE TO REQUEST FOR PRODUCTION NO. 109:

Apple incorporates its Objections to Definitions and Instructions as set forth above.

Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy. Apple further objects to this Request as vague and ambiguous with respect to "relating to," "collected," "third parties," "diagnostics," "troubleshooting inquiries," "error logs." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information without limitation to the accused encrypted messaging and mobile VPN functionalities and in that the scope of the Request is not limited by time or to the United States. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business.

Subject to its objections, Apple is willing to meet and confer with MPH regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 110:

Documents showing the number of devices configured to use Always On VPN by establishing a cellular tunnel to one server and a Wi-Fi tunnel to a second server.

RESPONSE TO REQUEST FOR PRODUCTION NO. 110:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy. Apple further objects to this Request as vague and ambiguous with respect to "configured," "use," "devices," "establishing," "cellular tunnel," "one server," "Wi-Fi tunnel," and "second server." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information without limitation to the accused encrypted messaging and mobile

1 VPN functionalities and in that the scope of the Request is not limited by time or to the United
 2 States. Apple further objects to this Request on the ground and to the extent that it seeks
 3 documents in a manner different from how Apple maintains them in its ordinary course of
 4 business. To the extent this Request requests anything other than what Apple has agreed to
 5 produce, Apple objects that this Request seeks irrelevant information, and is overly broad and
 6 unduly burdensome in that it is not relevant nor proportional to the needs of this case.

7 Subject to its objections, Apple responds as follows: Apple has not located documents
 8 responsive to this request after a reasonable and diligent search.

9 **REQUEST FOR PRODUCTION NO. 111:**

10 Documents showing the number of devices configured to use Always On VPN by
 11 establishing a cellular tunnel and a Wi-Fi tunnel to one server.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 111:**

13 Apple incorporates its Objections to Definitions and Instructions as set forth above.
 14 Apple further objects to this Request to the extent that it calls for information that falls within the
 15 protection of the attorney-client privilege, the common interest or joint defense privilege, the
 16 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
 17 produce privileged documents responsive to this Request.

18 Apple further objects to this Request to the extent it seeks third party confidential
 19 information or seeks information protected from disclosure by third parties' rights of privacy.
 20 Apple further objects to this Request as vague and ambiguous with respect to "configured,"
 21 "use," "devices," "establishing," "cellular tunnel," "one server," "Wi-Fi tunnel." Apple further
 22 objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and
 23 not proportional to the needs of the case, including, without limitation, in that it requests
 24 information without limitation to the accused encrypted messaging and mobile VPN
 25 functionalities and in that the scope of the Request is not limited by time or to the United States.
 26 Apple further objects to this Request on the ground and to the extent that it seeks documents in a
 27 manner different from how Apple maintains them in its ordinary course of business. To the
 28 extent this Request requests anything other than what Apple has agreed to produce, Apple objects

1 that this Request seeks irrelevant information, and is overly broad and unduly burdensome in that
2 it is not relevant nor proportional to the needs of this case.

3 Subject to its objections, Apple responds as follows: Apple has not located documents
4 responsive to this request after a reasonable and diligent search.

5 **REQUEST FOR PRODUCTION NO. 112:**

6 All documents and things discussing the value, benefits, disadvantages, or challenges of
7 configuring Always On VPN to establish a cellular tunnel to one server and a Wi-Fi tunnel to a
8 second server.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 112:**

10 Apple incorporates its Objections to Definitions and Instructions as set forth above.
11 Apple further objects to this Request to the extent that it calls for information that falls within the
12 protection of the attorney-client privilege, the common interest or joint defense privilege, the
13 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
14 produce privileged documents responsive to this Request.

15 Apple further objects to this Request as vague and ambiguous with respect to
16 “configuring,” “establish,” “cellular tunnel,” “one server,” “Wi-Fi tunnel,” “second server,”
17 “value,” “benefits,” “disadvantages,” and “challenges.” Apple further objects to this Request as
18 seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the
19 needs of the case, including, without limitation, in that it requests “*All* documents and things
20 discussing the value, benefits, disadvantages, or challenges of configuring Always On VPN”
21 without limitation to the accused encrypted messaging and mobile VPN functionalities and in that
22 the scope of the Request is not limited by time or to the United States. Apple further objects to
23 this Request as premature under Federal Rules of Civil Procedure Rule 26(a)(2) and 26(b)(4) to
24 the extent it seeks disclosure of information that is within the scope of expert testimony or
25 opinion, which Apple will provide in accordance with the Scheduling Order. Apple further
26 objects to this Request on the ground and to the extent that it seeks documents in a manner
27 different from how Apple maintains them in its ordinary course of business. To the extent this
28 Request requests anything other than what Apple has agreed to produce, Apple objects that this

1 Request seeks irrelevant information, and is overly broad and unduly burdensome in that it is not
2 relevant nor proportional to the needs of this case.

3 Subject to its objections, Apple responds as follows: Apple will produce responsive, non-
4 privileged documents, if any, in its possession, custody, or control that it locates pursuant to a
5 reasonable and diligent search.

6 **REQUEST FOR PRODUCTION NO. 113:**

7 All documents and things discussing the value, benefits, disadvantages, or challenges of
8 configuring Always On VPN to establish a cellular tunnel and a Wi-Fi tunnel to the same server.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 113:**

10 Apple incorporates its Objections to Definitions and Instructions as set forth above.
11 Apple further objects to this Request to the extent that it calls for information that falls within the
12 protection of the attorney-client privilege, the common interest or joint defense privilege, the
13 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
14 produce privileged documents responsive to this Request.

15 Apple further objects to this Request as vague and ambiguous with respect to
16 “configuring,” “establish,” “cellular tunnel,” “same server,” “Wi-Fi tunnel,” “value,” “benefits,”
17 “disadvantages,” and “challenges.” Apple further objects to this Request as seeking irrelevant
18 information, overly broad, unduly burdensome, and not proportional to the needs of the case,
19 including, without limitation, in that it requests “*All* documents and things discussing the value,
20 benefits, disadvantages, or challenges of configuring Always On VPN” without limitation to the
21 accused encrypted messaging and mobile VPN functionalities and in that the scope of the Request
22 is not limited by time or to the United States. Apple further objects to this Request as premature
23 under Federal Rules of Civil Procedure Rule 26(a)(2) and 26(b)(4) to the extent it seeks
24 disclosure of information that is within the scope of expert testimony or opinion, which Apple
25 will provide in accordance with the Scheduling Order. Apple further objects to this Request on
26 the ground and to the extent that it seeks documents in a manner different from how Apple
27 maintains them in its ordinary course of business. To the extent this Request requests anything
28 other than what Apple has agreed to produce, Apple objects that this Request seeks irrelevant

1 information, and is overly broad and unduly burdensome in that it is not relevant nor proportional
2 to the needs of this case.

3 Subject to its objections, Apple responds as follows: Apple has not located documents
4 responsive to this request after a reasonable and diligent search.

5 **REQUEST FOR PRODUCTION NO. 114:**

6 All guides, manuals, tutorials, and references distributed by or on behalf of Apple relating
7 to the mobile device management (MDM) of Apple Devices and Always On VPN.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 114:**

9 Apple incorporates its Objections to Definitions and Instructions as set forth above.
10 Apple further objects to this Request to the extent that it calls for information that falls within the
11 protection of the attorney-client privilege, the common interest or joint defense privilege, the
12 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
13 produce privileged documents responsive to this Request.

14 Apple further objects to this Request as vague and ambiguous with respect to
15 “references,” “tutorials,” “guides,” “distributed,” “relating to,” and “mobile device management
16 (MDM).” Apple further objects to this Request as seeking irrelevant information, overly broad,
17 unduly burdensome, and not proportional to the needs of the case, including, without limitation,
18 in that it requests “*All* guides, manuals, tutorials, and references distributed by or on behalf of
19 Apple” without limitation to the accused encrypted messaging and mobile VPN functionalities
20 and in that the scope of the Request is not limited by time or to the United States. Apple further
21 objects to this Request to the extent it seeks information that is publicly available, equally
22 available, or already available to MPH. To the extent this Request requests anything other than
23 what Apple has agreed to produce, Apple objects that this Request seeks irrelevant information,
24 and is overly broad and unduly burdensome in that it is not relevant nor proportional to the needs
25 of this case.

26 Subject to these objections, Apple will produce responsive, non-privileged representative
27 guides, manuals, tutorials, or references, if any, in its possession, custody, or control that it
28

1 locates pursuant to a reasonable and diligent search that are related to mobile device management
 2 and the accused Always-On VPN functionality.

3 **REQUEST FOR PRODUCTION NO. 115:**

4 Documents and things, including any research, analyses, or studies conducted by or on
 5 behalf of Apple, relating to the return on investment from Always On VPN.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 115:**

7 Apple incorporates its Objections to Definitions and Instructions as set forth above.
 8 Apple further objects to this Request to the extent that it calls for information that falls within the
 9 protection of the attorney-client privilege, the common interest or joint defense privilege, the
 10 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
 11 produce privileged documents responsive to this Request.

12 Apple further objects to this Request as vague and ambiguous with respect to
 13 “conducted,” “relating to,” “return on investment,” “research,” “analyses,” and “studies.” Apple
 14 further objects to this Request as seeking irrelevant information, overly broad, unduly
 15 burdensome, and not proportional to the needs of the case, including, without limitation, in that it
 16 requests “any research, analyses, or studies” without limitation to the accused encrypted
 17 messaging and mobile VPN functionalities and in that the scope of the Request is not limited by
 18 time or to the United States. To the extent this Request requests anything other than what Apple
 19 has agreed to produce, Apple objects that this Request seeks irrelevant information, and is overly
 20 broad and unduly burdensome in that it is not relevant nor proportional to the needs of this case.

21 Subject to its objections, Apple responds as follows: Apple has not located documents
 22 responsive to this request after a reasonable and diligent search.

23 **REQUEST FOR PRODUCTION NO. 116:**

24 Documents and things showing the number of units of Apple Devices preconfigured for
 25 Always On VPN and sold in the United States from September 2014 to the present.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 116:**

27 Apple incorporates its Objections to Definitions and Instructions as set forth above.
 28 Apple further objects to this Request to the extent that it calls for information that falls within the

1 protection of the attorney-client privilege, the common interest or joint defense privilege, the
 2 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
 3 produce privileged documents responsive to this Request.

4 Apple further objects to this Request to the extent it seeks third party confidential
 5 information or seeks information protected from disclosure by third parties' rights of privacy.
 6 Apple further objects to this Request as vague and ambiguous with respect to "preconfigured for"
 7 and "number of units." Apple further objects to this Request as seeking irrelevant information,
 8 overly broad, unduly burdensome, and not proportional to the needs of the case, including,
 9 without limitation, in that it requests information without limitation to the accused encrypted
 10 messaging and mobile VPN functionalities. Apple further objects to this Request on the ground
 11 and to the extent that it seeks documents in a manner different from how Apple maintains them in
 12 its ordinary course of business.

13 Subject to its objections, Apple is willing to meet and confer with MPH regarding the
 14 scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 117:**

16 Documents and things sufficient to show the number of mobile device management
 17 (MDM) profiles for Always On VPN, including enrollment profiles and configuration profiles,
 18 installed on Apple Devices in the United States from September 2014 to the present.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 117:**

20 Apple incorporates its Objections to Definitions and Instructions as set forth above.
 21 Apple further objects to this Request to the extent that it calls for information that falls within the
 22 protection of the attorney-client privilege, the common interest or joint defense privilege, the
 23 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
 24 produce privileged documents responsive to this Request.

25 Apple further objects to this Request to the extent it seeks third party confidential
 26 information or seeks information protected from disclosure by third parties' rights of privacy.
 27 Apple further objects to this Request as vague and ambiguous with respect to "mobile device
 28 management (MDM) profiles," "enrollment profiles," "configuration profiles," and "installed."

1 Apple further objects to this Request as seeking irrelevant information, overly broad, unduly
2 burdensome, and not proportional to the needs of the case, including, without limitation, in that it
3 requests information without limitation to the accused encrypted messaging and mobile VPN
4 functionalities. Apple further objects to this Request on the ground and to the extent that it seeks
5 documents in a manner different from how Apple maintains them in its ordinary course of
6 business.

7 Subject to its objections, Apple is willing to meet and confer with MPH regarding the
8 scope of this Request.

9 **REQUEST FOR PRODUCTION NO. 118:**

10 Documents sufficient to show the number of MDM profiles for Always On VPN sent
11 from Apple servers to iOS devices from September 2014 to the present.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 118:**

13 Apple incorporates its Objections to Definitions and Instructions as set forth above.
14 Apple further objects to this Request to the extent that it calls for information that falls within the
15 protection of the attorney-client privilege, the common interest or joint defense privilege, the
16 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
17 produce privileged documents responsive to this Request.

18 Apple further objects to this Request to the extent it seeks third party confidential
19 information or seeks information protected from disclosure by third parties' rights of privacy.
20 Apple further objects to this Request as vague and ambiguous with respect to "MDM profiles"
21 and "sent from Apple servers to iOS devices." Apple further objects to this Request as seeking
22 irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the
23 case, including, without limitation, in that it requests information without limitation to the
24 accused encrypted messaging and mobile VPN functionalities. Apple further objects to this
25 Request on the ground and to the extent that it seeks documents in a manner different from how
26 Apple maintains them in its ordinary course of business.

27 Subject to its objections, Apple is willing to meet and confer with MPH regarding the
28 scope of this Request.

REQUEST FOR PRODUCTION NO. 119:

Documents sufficient to show the total number of downloads of each of the Apple Configurator and Apple Configurator 2 applications from the Apple App Store or other Apple sources, including applications, websites, and servers, from September 2014 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 119:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy. Apple further objects to this Request as vague and ambiguous with respect to "other Apple sources," "applications," "websites," "servers," and "downloads." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information about "the total number of downloads of each of the Apple Configurator and Apple Configurator 2 applications" without limitation to the accused encrypted messaging and mobile VPN functionalities. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business.

REQUEST FOR PRODUCTION NO. 120:

Documents and things sufficient to identify the number of iOS and iPadOS devices enrolled through or in Apple Configurator, Apple Configurator 2, Apple Device Enrollment Program, Automated Device Enrollment, Apple School Manager, Apple Business Manager, and/or Apple Business Essentials.

RESPONSE TO REQUEST FOR PRODUCTION NO. 120:

Apple incorporates its Objections to Definitions and Instructions as set forth above.

Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy.

Apple further objects to this Request as vague and ambiguous with respect to "enrolled through or in" and "devices." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information about "the number of iOS and iPadOS devices" without limitation to the accused encrypted messaging and mobile VPN functionalities. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business.

REQUEST FOR PRODUCTION NO. 121:

Documents and things sufficient to identify the number of supervised iOS and iPadOS devices.

RESPONSE TO REQUEST FOR PRODUCTION NO. 121:

Apple incorporates its Objections to Definitions and Instructions as set forth above.

Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy.

Apple further objects to this Request as vague and ambiguous with respect to "supervised iOS and iPadOS devices." Apple further objects to this Request as seeking irrelevant information,

1 overly broad, unduly burdensome, and not proportional to the needs of the case, including,
 2 without limitation, in that it requests information about “the number of supervised iOS and
 3 iPadOS devices” without limitation to the accused encrypted messaging and mobile VPN
 4 functionalities. Apple further objects to this Request on the ground and to the extent that it seeks
 5 documents in a manner different from how Apple maintains them in its ordinary course of
 6 business.

7 Subject to its objections, Apple responds as follows: Apple has not located documents
 8 responsive to this request after a reasonable and diligent search.

9 **REQUEST FOR PRODUCTION NO. 122:**

10 Documents sufficient to show the number of subscriptions and/or user sign-ups for Apple
 11 School Manager.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 122:**

13 Apple incorporates its Objections to Definitions and Instructions as set forth above.
 14 Apple further objects to this Request to the extent that it calls for information that falls within the
 15 protection of the attorney-client privilege, the common interest or joint defense privilege, the
 16 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
 17 produce privileged documents responsive to this Request.

18 Apple further objects to this Request to the extent it seeks third party confidential
 19 information or seeks information protected from disclosure by third parties’ rights of privacy.
 20 Apple further objects to this Request as vague and ambiguous with respect to “subscriptions
 21 and/or user sign-ups.” Apple further objects to this Request as seeking irrelevant information,
 22 overly broad, unduly burdensome, and not proportional to the needs of the case, including,
 23 without limitation, in that it requests information about “the number of subscriptions and/or user
 24 sign-ups for Apple School Manager” without limitation to the accused encrypted messaging and
 25 mobile VPN functionalities. Apple further objects to this Request on the ground and to the extent
 26 that it seeks documents in a manner different from how Apple maintains them in its ordinary
 27 course of business.
 28

REQUEST FOR PRODUCTION NO. 123:

Documents sufficient to show the number of subscriptions and/or user sign-ups for Apple Business Manager.

RESPONSE TO REQUEST FOR PRODUCTION NO. 123:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy. Apple further objects to this Request as vague and ambiguous with respect to "subscriptions and/or user sign-ups." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information about "the number of subscriptions and/or user sign-ups for Apple Business Manager" without limitation to the accused encrypted messaging and mobile VPN functionalities. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business.

REQUEST FOR PRODUCTION NO. 124:

Documents sufficient to show the number of subscriptions and/or user sign-ups for Apple Business Essentials.

RESPONSE TO REQUEST FOR PRODUCTION NO. 124:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request to the extent it seeks third party confidential information or seeks information protected from disclosure by third parties' rights of privacy. Apple further objects to this Request as vague and ambiguous with respect to "subscriptions and/or user sign-ups." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information about "the number of subscriptions and/or user sign-ups for Apple Business Essentials" without limitation to the accused encrypted messaging and mobile VPN functionalities. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business.

REQUEST FOR PRODUCTION NO. 125:

All surveys, including customer surveys, surveys of IT professionals, or surveys conducted during the course of litigation by Apple or any third party, relating to Virtual Private Network (VPN) solutions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 125:

Apple incorporates its Objections to Definitions and Instructions as set forth above. Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request as vague and ambiguous with respect to "customer surveys," "surveys of IT professionals," "surveys conducted during the course of litigation," "any third party," and "relating to Virtual Private Network (VPN) solutions." Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests "All surveys" without limitation to the accused encrypted messaging and mobile VPN functionalities and in that the scope of the Request is not limited by time or to the United States. To the extent this Request requests anything other than what Apple has agreed to produce, Apple objects that

1 this Request seeks irrelevant information, and is overly broad and unduly burdensome in that it is
2 not relevant nor proportional to the needs of this case.

3 Subject to its objections, Apple responds as follows: Apple has not located documents
4 responsive to this request after a reasonable and diligent search.

5 **REQUEST FOR PRODUCTION NO. 126:**

6 Documents sufficient to show the financial value of Apple's enterprise business.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 126:**

8 Apple incorporates its Objections to Definitions and Instructions as set forth above.
9 Apple further objects to this Request to the extent that it calls for information that falls within the
10 protection of the attorney-client privilege, the common interest or joint defense privilege, the
11 work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not
12 produce privileged documents responsive to this Request.

13 Apple further objects to this Request as vague and ambiguous with respect to "financial
14 value" and "enterprise business." Apple further objects to this Request as seeking irrelevant
15 information, overly broad, unduly burdensome, and not proportional to the needs of the case,
16 including, without limitation, in that it requests information without limitation to the accused
17 encrypted messaging and mobile VPN functionalities and in that the scope of the Request is not
18 limited by time or to the United States. Apple further objects to this Request as premature under
19 Federal Rules of Civil Procedure Rule 26(a)(2) and 26(b)(4) to the extent it seeks disclosure of
20 information that is within the scope of expert testimony or opinion, which Apple will provide in
21 accordance with the Scheduling Order. Apple further objects to this Request on the ground and to
22 the extent that it seeks documents in a manner different from how Apple maintains them in its
23 ordinary course of business.

24 **REQUEST FOR PRODUCTION NO. 127:**

25 Documents and things sufficient to show or describe Apple's financial, strategic or
26 business reasons for acquiring MDM platform FleetSmith.

RESPONSE TO REQUEST FOR PRODUCTION NO. 127:

Apple incorporates its Objections to Definitions and Instructions as set forth above.

Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request as vague and ambiguous with respect to “financial,” “strategic,” “business reasons,” and “acquiring MDM platform FleetSmith.” Apple further objects to this Request as seeking irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the case, including, without limitation, in that it requests information without limitation to the accused encrypted messaging and mobile VPN functionalities and in that the scope of the Request is not limited by time or to the United States. Apple further objects to this Request as premature under Federal Rules of Civil Procedure Rule 26(a)(2) and 26(b)(4) to the extent it seeks disclosure of information that is within the scope of expert testimony or opinion, which Apple will provide in accordance with the Scheduling Order. Apple further objects to this Request on the ground and to the extent that it seeks documents in a manner different from how Apple maintains them in its ordinary course of business.

REQUEST FOR PRODUCTION NO. 128:

Documents and things sufficient to show or describe Apple’s financial, strategic or business reasons for offering Apple Business Essentials.

RESPONSE TO REQUEST FOR PRODUCTION NO. 128:

Apple incorporates its Objections to Definitions and Instructions as set forth above.

Apple further objects to this Request to the extent that it calls for information that falls within the protection of the attorney-client privilege, the common interest or joint defense privilege, the work-product doctrine, or any other applicable privilege, doctrine, or immunity. Apple will not produce privileged documents responsive to this Request.

Apple further objects to this Request as vague and ambiguous with respect to “financial,” “strategic,” “business reasons,” and “offering.” Apple further objects to this Request as seeking

1 irrelevant information, overly broad, unduly burdensome, and not proportional to the needs of the
2 case, including, without limitation, in that it requests information without limitation to the
3 accused encrypted messaging and mobile VPN functionalities and in that the scope of the Request
4 is not limited by time or to the United States. Apple further objects to this Request as premature
5 under Federal Rules of Civil Procedure Rule 26(a)(2) and 26(b)(4) to the extent it seeks
6 disclosure of information that is within the scope of expert testimony or opinion, which Apple
7 will provide in accordance with the Scheduling Order. Apple further objects to this Request on
8 the ground and to the extent that it seeks documents in a manner different from how Apple
9 maintains them in its ordinary course of business.

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11
12
13 Dated: March 25, 2024

MORRISON & FOERSTER LLP

14
15
16 By: /s/ Ryan J. Malloy
Ryan J. Malloy

17 Attorneys for Defendant
18 APPLE INC.
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CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 707 Wilshire Boulevard, Los Angeles, California 90017-3543. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on March 25, 2024, I served a copy of:

**DEFENDANT APPLE INC.'S OBJECTIONS AND RESPONSES TO
PLAINTIFF MPH TECHNOLOGIES OY'S SECOND SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS
(NOS. 99-128)**

☒ **BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California, this 25th day of March, 2024.

Silvia Specht

(typed)

/s/ Silvia Specht

(signature)